IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6058 OF 2006

Dadaso Vitthal Khomane. ...Petitioner
V/s.
Tanaji Bapurao Khomane & Ors. ...Respondents

Mr.Rahul S. Kate for Petitioner.

CORAM : R.M.S. KHANDEPARKAR &
V.M. KANADE, JJ.

DATED : SEPTEMBER 12, 2006

P.C. :-

1. Heard.

2. This is a petition against the orders passed by the competent authorities in the proceedings arising out of no-confidence motion passed against the petitioner. The petitioner sought to challenge the no-confidence motion primarily on the ground that the petitioner's defence in answer to the no-confidence motion was not considered by the members before moving the no-confidence motion against the petitioner and secondly, that no-confidence motion was moved without

following the required rules regarding service of notice in the prescribed form by the authorities. As far as first ground of challenge is concerned, it is for the members of the Panchayat to decide about the continuation of the petitioner as a Sarpanch or not. The members having expressed their no-confidence in the petitioner, he stands to loose the seat of Sarpanch.

3. As regards the failure on the part of the concerned authority to issue notice in the prescribed form is concerned, it is not in dispute that the members were informed about the proceedings and the fact that the meeting was called for to deal with no-confidence motion against the petitioner. There was substantial compliance about the Rule regarding issuance of notice. Merely because the notice was not in a prescribed form, that by itself cannot be a justification for the interference in the reasoned order passed by the authorities in relation to no-confidence motion proceedings. The petitioner having lost the majority and authorities having considered all the materials on record before passing the impugned order, and there

being no irregularity in the exercise of jurisdiction while passing impugned order, there is no case for interference in writ jurisdiction.

4. Writ petition is, therefore, rejected.

(R.M.S. KHANDEPARKAR, J.)

(V.M. KANADE, J.)